

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATIONAL INSURANCE CRIME BUREAU,
an Illinois non-profit corporation,

Plaintiff,

vs.

DESSIE RENEE WAGNER, an individual;
LESLIE ANN WAGNER, an individual;
ESTATE OF SCOTT LAVERNE WAGNER;
LESLIE WAGNER as the Personal
Representative of the ESTATE OF SCOTT
LAVERNE WAGNER; JOSEPH SCOTT
WAGNER, an individual; ANDREW WESLEY
WAGNER, an individual,

Defendants.

No. 2:19-cv-00730 JLR

STIPULATION AND ORDER TO
DISMISS WITH PREJUDICE ALL
REMAINING CLAIMS AND
COUNTERCLAIMS

I. STIPULATION

Per the Court's February 2, 2021 Order (Dkt. No. 36), Plaintiff National Insurance Crime Bureau ("NICB") and Defendant Renee Wagner ("Defendant D.R. Wagner") stipulate as follows:

STIPULATED AND ORDER TO DISMISS WITH PREJUDICE ALL
REMAINING CLAIMS AND COUNTERCLAIMS – PAGE 1
CAUSE NO. 2:19-CV-00730 JLR

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1 1. Default judgment was entered on February 2, 2021 (dkt # 36) declaring Defendant
2 D.R. Wagner to be the sole beneficiary of the Employee Savings Plan at issue in this matter.
3 NICB and Defendant D.R. Wagner wish to dismiss with prejudice all remaining claims and
4 counterclaims in this case, without costs or attorney fees to either party, and finally terminate this
5 litigation.

6 2. NICB will dismiss with prejudice its Complaint for Interpleader and Declaratory
7 Relief filed on May 15, 2019 against Defendants D.R. Wagner, Leslie Ann Wagner, Estate of
8 Scott Laverne Wagner, Leslie Wagner as personal representative of the Estate of Scott Laverne
9 Wagner, Joseph Scott Wagner, and Andrew Wesley Wagner. This dismissal will not affect the
10 default judgment entered on February 2, 2021 (dkt # 36) declaring Defendant D.R. Wagner to be
11 the sole beneficiary of the Employee Savings Plan at issue in this matter;

12 3. Defendant D.R. Wagner will dismiss with prejudice her counterclaims asserted on
13 November 13, 2019 against NICB, including, but not limited to, NICB's alleged violations of 29
14 U.S.C. § 1022 and 29 U.S.C. §1025, and Defendant's right to recovery under 29 U.S.C. § 1132;

15 4. Neither NICB nor Defendant D.R. Wagner shall file any additional claims against
16 the other party related to this matter; and

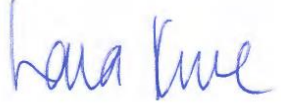
17 5. NICB and Defendant D.R. Wagner agree to not seek attorney's fees and costs
18 against the other for any reason related to this matter, including, but not limited to NICB's
19 attorney's fees and costs arising out of its interpleader action filed on May 15, 2019 and
20 Defendant D.R. Wagner's attorney's fees and costs arising out of her counterclaims asserted on
21 November 13, 2019.

22 The Parties further stipulate that the Order below dismissing those claims may be
23 entered.

DATED this 5th day of February 2021.

FORSBERG & UMLAUF, P.S.

LAKE HILLS LEGAL SERVICES PC

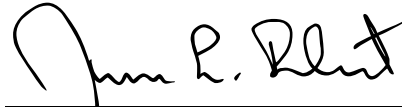

By: _____
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By: /s/ Richard L. Pope, Jr.
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*Attorney for Defendant Dessie Renee
Wagner*

II. ORDER

THIS MATTER having come on before the above-entitled court on the above stipulation of the parties through their counsel of record, now, therefore, it is hereby ORDERED that all claims and counterclaims (other than the Default Judgment entered February 2, 2021 (dkt # 36) declaring Defendant D.R. Wagner to be the sole beneficiary of the Employee Savings Plan at issue) herein be dismissed with prejudice and without costs or attorney's fees to any party. All issues in this litigation have now been determined and the trial date scheduled for March 8, 2021 is STRICKEN.

1 DONE this 5th day of February, 2021

2 

3
4 Honorable James L. Robart

5 Presented by:

6 **FORSBERG & UMLAUF, P.S.**

7 

8 Laura E. Kruse, WSBA No. 32947

9 *Attorney for Plaintiff National Insurance Crime Bureau*

10 *Approved for Entry, Notice of Presentation Waived:*

11 **LAKE HILLS LEGAL SERVICES PC**

12 /s/ Richard L. Pope, Jr.

13 Richard L. Pope Jr., WSBA No. 21118

14 *Attorney for Defendant Dessie Renee Wagner*